<u>REMARKS/ARGUMENTS</u>

Favorable reconsideration of this application as currently amended and in light of the following discussion is respectfully requested.

Claims 1-23 are currently pending. The present Amendment adds Claims 21-23. The additions to the claims are supported by the originally filed application. No new matter has been added.

In the outstanding Office Action, notice was given that part of the IDS filed on February 20, 2004, was not considered because copies of the two foreign patent documents were not submitted; Claims 1-12 and 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Bang et al.</u> (U.S. Patent No. 5,715,163, herein "<u>Bang</u>") in view of <u>Snyder et al.</u> (U.S. Patent No. 6,664,989, herein "<u>Snyder</u>"); and Claims 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Bang</u> and <u>Snyder</u>, and further in view of <u>Muller et al.</u> (U.S. Patent No. 6,072,473, herein "<u>Muller</u>").

In response to the notice that an IDS submission was not considered, Applicant hereby submits foreign patent documents 2677149 and 2743921 as requested. However, Applicant notes that the IDS of December 20, 2004, explained the two foreign patent documents listed as "AO-AP were made of record and considered in the parent application (U.S. Serial No. 10/061,281, now U.S. Patent No. 6,668,215) and are therefore not resubmitted in this divisional application, per 37 C.F.R. 1.98 (d) (1-2)."

In response to the rejection of Claims 1-12 and 17-20 under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

Briefly recapitulating, Applicant's invention, as recited in Claim 1, is directed to a dialog method for dialog between an operator of an aircraft and at least one system of the aircraft, including the steps of: (1) displaying on a display at least one window including a plurality of responsive objects respectively associated with one of multiple functions of the at

least one system of the aircraft; (2) moving a cursor in a continuous manner on the display so as to designate a responsive object; and (3) *moving the cursor in a discrete manner on the display, responsive object by responsive object, so as to designate a responsive object.* Claim 17 recites similar features.

The Office Action admits at page 2 that "Bang et al. does not explicitly disclose moving a cursor in a discrete manner," but asserts based on column 1, lines 59-62, of Bang that "[i]t is obvious to one of ordinary skill in the art that "a manual input" is a discrete action to control the position of the cursor on the display." Applicant respectfully disagrees with this assertion since Bang asserts to the contrary, as it explains the cited manual input, that "[t]he track pad 72 is a capacitive *touch pad device which senses relative movements of a user's finger thereacross*"[1] and "if a user drags his or her finger to the right the cursor will move to the right correspondingly"[2] so that the control of the cursor is *not discrete but continuous* according to the movements of the finger dragged on the pad. Applicant respectfully submits that one of ordinary skill in the art could not interpret the manual input specifically explained in Bang to be continuous, the opposite of discrete, as teaching a discrete cursor control.

Further, as pointed out by the Office Action at page 3, Bang does disclose "a keypad for allowing the *typed entry* of sequential waypoints." However, as stated in Bang, the keypad is used to *type* the waypoints (i.e., to type "FEBUS" or "LACRE," for example). Bang further states that "[a]t decision point 222, it is determined whether or not there has been *a waypoint manually typed in by the user*."[3] That is, the keypad is a means for specifying waypoints in a way that does not resort at all to the cursor, not an alternate way to move the cursor with a key. Furthermore, as pointed out by the Office Action at page 3, Bang does disclose "manually selecting waypoints via the cursor control device" in the cited

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[1] Bang, column 4, lines 15-17.
[2] Bang, column 4, lines 21-23.
[3] Bang, column 7, lines 41-43.

passages. However, as discussed above, "manually" only teaches that the fingers are somehow used and the passages of <u>Bang</u> cited earlier, which further explain the manual input, clearly shows that this manual use pertains to a *continuous* movement of the fingers on a pad and does not suggest any discrete movement. Applicant respectfully submits that keying in an arrow to cycle through the claimed objects "responsive object by responsive object" is not taught by the cited references.

The Office Action further asserts at page 3 that "one of the function keys in the keypad can be programmed to perform a function of controlling a moving of cursor on the display, for example, directional function keys move up, down, right, and left." To that effect, Applicant respectfully submits that even if that assertion were correct, moving the cursor "up, down, right, and left," does not meet the claimed "responsive object by responsive object" since the responsive objects might not be reached by the strictly vertical and horizontal movements suggested in the Office Action.

The Office Action further asserts at page 3 that "Snyder et al. also disclose moving the cursor in a discrete manner on the display, responsive object by responsive object, so as to designate a responsive object" and supports this assertion with the abstract and from column 6, lines 53, to column 7, line 34, of <u>Snyder</u>. To that effect, Applicant respectfully submits that although <u>Snyder</u> does teach discrete cursor movements, the cited abstract and passage do not teach "responsive object by responsive object." The cited passage states that "various points on the touchpad may be mapped to particular points on the display screen such that when the user raises his or her finger and replaces the finger at another location on the touchpad, the cursor will relocate to the screen position corresponding to the touchpad location currently in contact with the user's finger"[4] and then further explains this process. It follows that to move the cursor to a certain location, the user must touch the area of the touchpad mapped to this location. However, the user cannot reach another object without

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[4] <u>Bang</u>, column 6, lines 54-60.

starting anew the process of choosing the corresponding location on the pad. That is, the user

of Snyder's device cannot cycle through the objects "responsive object by responsive object"

but must instead place his fingers at the new location corresponding to the next location.

Therefore, even if the combination of the Bang and Snyder patents is assumed to be

proper, the combination fails to teach every element of independent Claims 1 and 17 so that

Claims 1-12 and 17-20 patentably define over the cited references. Specifically, the

combination fails to teach *"moving the cursor in a discrete manner on the display,*

responsive object by responsive object, so as to designate a responsive object," as recited in

independent Claim 1 and similarly recited in independent Claim 17. Accordingly, Applicant

respectfully traverses, and requests reconsideration of, this rejection based on these patents.[5]

In addition, Applicant respectfully disagrees with several other assertions made in the

Office Action. For example, the Office Action asserts at page 6 that "Snyder et al. disclose

step of moving one window to another window is performed with a Tab key on a keyboard"

and supports this assertion with column 4, lines 14-31, of Snyder. The cited passage does

include the word "tab," but it refers to a displayed element, not to a keyboard key, and not to

the particular **Tab** key recited in the Claim 8. For example, Snyder states that "[e]ach tab

may include a title 310, a subtitle 318, or the like."[6] The Office Action asserts at page 6 that

"[i]t is obvious that an absolute motion of discrete cursor movement implies a single action

by the operator, and an action perform during an emergency condition, because the operator

only have a very short time to activate a key in a keyboard." However, "absolute motion" is

only an alternative to "relative motion" in Snyder which is silent on any emergency mode

such as that recited in Claim 9. Further, the system of Snyder would not even be faster than

to activate a key on the keyboard since it requires the user to locate and apply his finger at the

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[5] See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."
[6] Bang, column 4, lines 19-21.

desired location on the pad, just as he would need to locate the key and press on it on the keyboard. Finally, the Office Action asserts that <u>Snyder</u> teaches "move the cursor discretely on the display, responsive object by responsive object, in a cyclical manner" and supports this assertion with column 6, line 53 – column 7, line 34. However, as discussed above, the cited passage only teaches a way to discretely move the cursor to one location corresponding to a specific location on the touchpad. To move the cursor to another location, the user must touch the touchpad at the new corresponding location and cannot relied on the same action to cycle through the objects, i.e., move "responsive object by responsive object."

In response to the rejection of Claims 13-16 under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

Application respectfully submits that <u>Muller</u>, directed to a communications instrument including a sensitive surface coupled to a processor ensuring management of a plurality of display elements, does not cure the afore-mentioned deficiencies of <u>Bang</u> and <u>Snyder</u>. In particular, <u>Muller</u> does not teach "***moving the cursor in a discrete manner on the display, responsive object by responsive object, so as to designate a responsive object***" as recited in independent Claim 1.

Therefore, even if the combination of the <u>Bang</u>, <u>Snyder</u>, and <u>Muller</u> patents is assumed to be proper, the combination fails to teach every element of independent Claim 1 so that Claims 13-16 patentably define over the cited references. Specifically, the combination fails to teach "***moving the cursor in a discrete manner on the display, responsive object by responsive object, so as to designate a responsive object,***" as recited in independent Claim 1. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.

In addition, Applicant respectfully disagrees with the Office Action assertion at page 9 that "it is obvious that the display can include eight displays, of which three displays are for

pilot of the aircraft, three other displays are for the co-pilot, and two displays for common use by the pilot and co-pilot." To that effect, Applicant respectfully submits that what "can" be done is not relevant here.[7] As admitted at page 8 of the Office Action, Bang and Snyder do not teach eight displays and Muller only teaches six displays so that it does not teach eight displays either. Further, none of the references suggest using any additional displays, much less in the specifically claimed configuration. In particular, the six displays of Muller appear to satisfy the objectives of Muller and thus someone of ordinary skill in the art has no reason to add any more displays based on Bang, Snyder, and Muller.

Further, in order to vary the scope of protection recited in the claims, new Claims 21-23 are added. New Claims 21-23 find non-limiting support in the disclosure as originally filed, for example in Claims 17 and 18 and in the claims of U.S. Application Serial No. 10/061,281 (now U.S. Patent No. 6,668,215), the parent application which was incorporated by reference in this application. Therefore, the new claims are not believed to raise a question of new matter.[8] As discussed above, the prior art does not teach or suggest the combination of features of Claim 1 so that Claims 21-23 are believed to be allowable.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-23 is earnestly solicited.
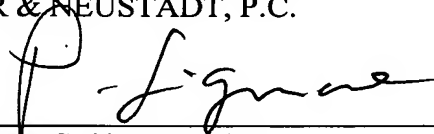
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[7]See MPEP 2143.01 stating that the "fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness"; see also same section stating "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so,'" (citation omitted).

[8] See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

Should the Examiner deem that any further action is necessary to place this

application in even better form for allowance, the Examiner is encouraged to contact

Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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